



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 2946 OF 2026 (S-RES)

BETWEEN:

1. G K NAGARAJA RAO
S/O LATE VENAKATA RAO
AGED ABOUT 72 YEARS
RETIRED SHIRASTEDAR (JUDICIAL)
R/AT GUTTIDURGA VILLAGE, JAGALUR TALUK
DAVANAGERE DISTRICT-577553.
2. C V RAJACHAR
S/O LATE C. V. GUNDACHAR
AGED ABOUT 72 YEARS
RETIRED CHIEF ADMINISTRATIVE
OFFICER (JUDICIAL)
R/AT NO. 40, NEAR SANDHYA DEEPA
VINAYAKA LAY-OUT, UTTARAHALLI
SUBRAMANYA PURA POST
BANGALORE-560061.

...PETITIONERS

Digitally signed by
MALATHI
CHALUYA IYENGAR
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. JAGAN MOHAN M T., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY CHIEF SECRETARY
VIDHANA SOUDHA
BANGALORE - 560001.
2. THE STATE OF KARNATAKA
REP. BY UNDER SECRETARY
LAW JUDICIARY AND HUMAN RIGHTS DEPARTMENT
VIKASA SOUDHA, BANGALORE-560001.



3. THE ACCOUNTANT GENERAL (A AND E)
PB NO 5329/5369, ANNEXE BUILDING
PARK HOUSE ROAD
BENGALORE – 560001.
4. THE DISTRICT TREASURORY OFFICER
DEPARTMENT OF TREASURORY
DISTRICT ADMINISTRATIVE BUILDING
HADADI ROAD, DAVANAGERE – 577221.
5. THE DISTRICT TREASURORY OFFICER
DEPARTMENT OF TREASURORY
DISTRICT ADMINISTRATIVE BUILDING
NEAR ONAKE OBBAVA CIRCLE
CHITRADURGA-577501.
6. THE DEPUTY DIRECTOR
OFFICE OF THE DEPUTY DIRECTOR
STATE PENSION AND TREASURY ADMINISTRATION
PODIUM BLOCK V.V. TOWER
DR. B.R.AMBEDKAR ROAD
BANGALORE - 560001

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-ISSUE A WRIT OF MANDAMUS BY DIRECTING THE RESPONDENTS TO CONSIDER THE REPRESENTATION DATED: 30.10.2025 VIDE ANNEXURE-C GIVEN BY PETITIONER NO.1 AND REPRESENTATION DATED 31/10/2025 GIVEN BY PETITIONER NO. 2 VIDE ANNEXURE-E REGARDING THEIR RECOVERY OF PORTION OF COMMUTATION OF PENSION AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD



ORAL ORDER

1. The learned High Court Government Pleader is directed to take notice for the respondents.
2. In this writ petition, the petitioners have sought the following relief/s:

"a). ISSUE A WRIT of Mandamus by directing the Respondents to consider the representation dated 30/10/2025 vide ANNEXURE-C given by Petitioner and representation dated 31/10/2025 given by Petitioner No. 2 vide ANNEXURE-E regarding their recovery of portion of Commutation of Pension.

b). Grant such other relief as this hon'ble High court deems fit to grant under the facts and circumstances of the case including cost of this Writ Petition in the interest of justice."

3. Brief facts of the case of the petitioners are as under:

Petitioner No.1 was working in the Judicial Department at various places and lastly retired from service on 28.02.2013 as a Sheristedar at Hosadurga in Chitradurga District, after attaining the age of



superannuation. The pension of petitioner No.1 was fixed at Rs.10,006/- per month with admissible Dearness Allowance from time to time.

Petitioner No.1 submits that a sum of Rs.3,665/- per month has been recovered from his pension towards commuted pension with effect from 01.03.2013, i.e., from the date of commencement of pension, up to 31.03.2028, for a total period of 15 years. It is submitted that an amount of Rs.5,20,430/- has been recovered from Petitioner No.1 for a period of 11 years and 10 months. However, petitioner No.1 has received only Rs.4,31,444/- towards commuted pension. Thus, an excess amount of Rs.88,986/- has been recovered from Petitioner No.1.

Petitioner No.1 submitted a representation along with detailed calculations relating to commutation of pension to the respondents on 30.10.2025, vide Annexure-C, requesting them to stop further recovery of the commuted pension amount.



Similarly, petitioner No.2 was also working in the Judicial Department at various places and lastly retired from service on 30.09.2012 as Chief Administrative Officer in the office of the Principal District and Sessions Judge at Hassan, after attaining the age of superannuation. The pension of Petitioner No.2 was fixed at Rs.18,150/- per month with admissible Dearness Allowance from time to time.

Petitioner No.2 submits that a sum of Rs.6,500/- per month has been recovered from his pension towards commuted pension with effect from 09.01.2013, i.e., from the date of commencement of pension, up to 09.01.2028, for a total period of 15 years. It is submitted that an amount of Rs.9,31,950/- has been recovered from Petitioner No.2 for a period of 12 years and 1 month. However, petitioner No.2 has received only Rs.7,65,180/- towards commuted pension. Thus, an excess amount of Rs.1,66,070/- has been recovered from petitioner No.2.



Petitioner No.2 also submitted a representation along with detailed calculations relating to commutation of pension to the respondents on 31.10.2025, vide Annexure-E, requesting them to stop further recovery of the commuted pension amount.

However, the respondents have not taken any steps to consider the representations dated 30.10.2025 and 31.10.2025 submitted by the petitioners, vide Annexure-C and Annexure-E, respectively. Despite the same, the respondents are continuing/proposing to recover the amounts from the petitioners' pension. Hence, the petitioners are before this Court.

4. Since the representations submitted by the petitioners have not been considered, it is suffice for this Court to direct the respondents to consider the said representations within a reasonable time.



5. In view of the above, the following order is passed:

ORDER

- a) The petition is ***disposed of.***
- b) The respondents are directed to consider the representations dated 30.10.2025 and 31.10.2025 vide Annexure-C and Annexure-E, respectively, in accordance with law, as expeditiously as possible, not later than eight weeks from the date of receipt of a copy of this order.
- c) Needless to state, until such representations are considered and appropriate orders are passed, no recovery shall be made from the petitioners' pensions.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE